

REMARKS

Claims 5-10, 21, 23, 24, and 26-29 are pending in this application. Claims 5 and 21 have been amended without prejudice and without acquiescence to clarify the claim scope. No new matter has been added.

The issues outstanding in this application are as follows:

- Claims 5-10, 21, 23, 24 and 26-29 were rejected under 35 U.S.C. §103(a), in which the Examiner alleges that the claimed subject matter is unpatentable over Teng et al. in view of Britigan, Morinaga Milk Inc. (JP 07-233086) and De Lacharriere et al.

Applicants respectfully traverse the outstanding rejections and objections, and applicants respectfully request reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

35 U.S.C. §103(a)

Claims 5-10, 21, 23, 24 and 26-29 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the primary reference Teng et al. in combination of the above-listed references. The Examiner states that Teng et al. teaches a method of treating dermal inflammatory disorder comprising the step of administering a pharmaceutically effective amount of a lactoferrin product. The Examiner also states that Teng et al. does not teach the treatment of the particular dermal disorder or the employment of biological analog or fragments of lactoferrin. The Examiner states that Britigan teaches that lactoferrin is known to be useful as an anti-inflammatory agent and that Morinaga Milk Inc. teaches that lactoferrin or its derivatives are known to be useful for treating various skin disorders. The Examiner also states that De Lacharrier et al. teaches that TNF antagonists, lactoferrin, are known to treat or prevent skin inflammation. Applicants traverse.

In order to advance the prosecution of the present invention, Applicants have amended independent claims 5 and 21 without prejudice and without acquiescence to indicate that the lactoferrin composition reduces Langerhans cell migration or accumulation of dendritic cells in lymph nodes. Applicants assert that nowhere that the Applicants can find is there any mention or suggestion of lactoferrin reducing Langerhans cell migration or

accumulation of dendritic cells in lymph nodes in any of the references cited by the Examiner. As required by the substantial evidence rule, if the Examiner continues to maintain that references suggest reducing Langerhans cell migration or accumulation of dendritic cells in lymph nodes, then Examiner is requested to make of record the passage relied upon, or state for the record that no such teaching can be found in the references. See, *In re Gartside*, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000).

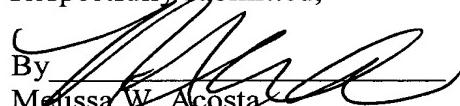
Applicants remind the Examiner that a *prima facie* case necessitates disclosure of the source for either a suggestion or motivation to modify a reference to produce the present invention, and a reasonable expectation of success of producing the present invention. See, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438, (Fed. Cir. 1991). In view of the amendments contained herein, Applicants assert that all the claim limitations are not taught or suggested by the prior art.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 102311629 from which the undersigned is authorized to draw.

Dated: April 11, 2005

Respectfully submitted,

By


Melissa W. Acosta

Registration No.: 45,872

FULBRIGHT & JAWORSKI L.L.P.

1301 McKinney, Suite 5100

Houston, Texas 77010-3095

(713) 651-5151

(713) 651-5246 (Fax)